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Environment Committee
February 13, 2009
Testimony of Martin Mador
In Opposition to

SB 567 AN ACT LIMITING LIABILITY FOR ENVIRONMENTAL PERMIT VIOLATIONS
SB 264 AN ACT EXEMPTING CERTAIN DEVELOPMENT AT STATE-OWNED
AIRPORTS FROM ENVIRONMENTAL IMPACT STATEMENTS

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the Legislative and Political Chair of the Connecticut Sierra Club, and am here today representing our 10,000 Connecticut members concerned about the health of our environment, our economic well-being, and the quality of life in Connecticut. I possess a Master's of Environmental Management degree from Yale.

SB567 would exempt the violator of an environment permit from prosecution on the grounds they are not the permit holder. Sierra can find no justification for this exemption. It would, in effect, pardon in advance the one who actually commits the violation. Aside from the encouragement it would give contractors to ignore the permit limits, it might transfer all liability for wrong-doing to the permittee. This would require a permittee to monitor every action of a contractor, an imposition quite impossible to carry out. If the permittee were a town or public agency, all responsibility for the actions of private contractors would then be borne by the public.

Sierra strongly recommends that this bill fail.

SB264 concerns a hangar expansion project at Oxford Airport. Sierra has no comments about this specific project. However, it is not acceptable public policy to use the legislative process to do an end run around established permitting procedure. To do so eliminates the opportunity to use the process to understand and evaluate the short- and long- term effects of the proposal. The state has an affirmative duty to protect the public trust, including natural resources. Sierra can't endorse establishing a precedent for bypassing an EIS simply because someone wants to fast track a project. Carried forward, this step could threaten the entire permitting process.

Granted, the permitting process in Connecticut can involve many local, state, and federal actors, and can take considerable time. There have probably been instances where it has retarded development. However, it is the only way we have to protect important public interests, including the environment. Environmental Impact Statements are a time proven method for evaluating a proposal. Dispensing with an EIS may fast track a project, but the potential cost in environmental damage as well as public trust may be significant.

If the system is broken, or if it runs inefficiently, then fix it. Do not, however, bypass it and remove the safeguards we so strongly rely on.